

Entered - 12-21-01 - sb  
CL 01L0810 - ALEXIS HOLMES

02- R-0517

CLAIM OF: **LOUIS REYNARD**

**Through his Attorney**

Jon Brockman

The Forsyth Professional Building

110 Veterans Memorial Boulevard

Suite 200

Cummings, Georgia 30040

For damages alleged to have been sustained as a result of various  
City Code violations being issued to him during July, August and  
September 2001 at 4475 East Conway Drive.

THIS ADVERSED REPORT IS APPROVED

BY:

*Rosalind Rubens Newell*  
ROSALIND RUBENS NEWELL  
INTERIM CITY ATTORNEY

ADVERSED BY  
CITY COUNCIL APR 01 2002

## ADVERSE REPORT

PUBLIC SAFETY &

LOCAL ADMINISTRATION COMMITTEE

DATE

*3/26/02*

CHAIR:

*[Signature]*  
*[Signature]*  
*[Signature]*  
*[Signature]*  
*[Signature]*

**CERTIFIED**  
APR 01 2002  
*Rosalind Rubens Newell*  
MUNICIPAL CLERK

**CERTIFIED**  
APR 1 2002  
*[Signature]*  
COUNCIL PRESIDENT PROTEM



## OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC  
MUNICIPAL CLERK

55 TRINITY AVENUE, S.W.  
SECOND FLOOR, EAST  
SUITE 2700  
ATLANTA, GEORGIA 30335  
(404) 330-6033  
FAX (404) 658-6103

April 18, 2002

Jon Brockman  
Attorney at Law  
110 Veteran Memorial Blvd.  
Suite 200  
Cummings, Georgia 30040

02-R-0517

RE: Louis Reynard

Dear Attorney Reynard:

I sincerely regret that your client has been adversely affected by the circumstances raised in his/her claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your client's claim at its regular meeting on April 1, 2002. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the City Attorney's Office/Claims Division at (404) 330-6400.

Yours very truly,

Rhonda Dauphin Johnson, CMC  
Municipal Clerk

cc: Claims Division/Law Department

**DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY**

Claim No. 01L0810

Date: 03/13/02

Claimant /Victim LOUIS REYNARD  
BY: (Atty)(Ins.) Jon Brockman  
Address: The Forsyth Professional Building 110 Veterans Memorial Boulevard Suite 200 Cummings, Georgia 30040  
Subrogation: Claim for Property damage \$ 50,000.00 Bodily Injury \$             
Date of Notice: December 19, 2001 Method: Written, proper X Improper             
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.)             
Date of Occurrence July, August & September 2001 Place: 4475 East Conway Drive  
Department: Planning and Development and Neighborhood Conservation Division: Bureau of Buildings  
Employee involved Tom Coffin Disciplinary Action: None taken

**NATURE OF CLAIM:** The claimant alleges that he sustained damages when an agent of the City maliciously prosecuted him by issuing various citations to him for violations of the City Code governing the Tree Protection and Replacement Plan. In an investigation it was determined that the City's agent did not act contrary to City policy when he issued the citations to the claimant. Therefore, the City is immune from liability as set forth in O.C.G.A. §36-33-4.

**INVESTIGATION:**

Statements: City employee X Claimant            Other X Written X Oral X  
Pictures            Diagrams            Reports: Police            Dept Report X Other             
Traffic citations issued: City Driver            Claimant Driver             
Citation disposition: City Driver            Claimant Driver           

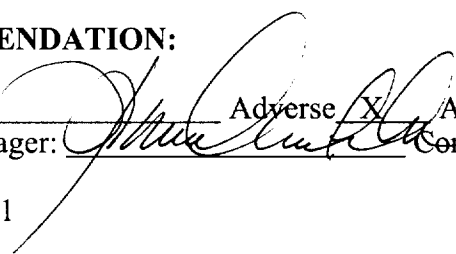
**BASIS OF RECOMMENDATION:**

Function: Governmental            Ministerial X  
Improper Notice            More than Six Months            Other            Damages reasonable             
City not involved            Offer rejected            Compromise settlement             
Repair/replacement by Ins. Co.            Repair/replacement by City Forces             
Claimant Negligent            City Negligent            Joint            Claim Abandoned           

Respectfully submitted,

  
INVESTIGATOR - ALEXIS HOLMES

**RECOMMENDATION:**

Pay \$            Adverse X Account charged: 1A01            2J01            2H01             
Claims Manager:  Concurrence/date 03/15/02 Committee Action:            Council Action

RCS# 3635  
4/01/02  
2:42 PM

Atlanta City Council

Regular Session

CONSENT I

Except; 02-R-0531; 02-R-0499; R-0497; R-0561  
02-R-0498; 02-R-0588; 02-R-0589; 02-R-0513  
ADOPT

SEE ATTACHED LISTING OF ITEMS  
ADOPTED/ADVERSED ON  
CONSENT AGENDA

YEAS: 14  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 1  
EXCUSED: 0  
ABSENT 1

Y Smith  
Y Starnes  
Y Young  
Y Winslow

Y Archibong  
NV Fauver  
Y Shook  
Y Muller

Y Moore  
Y Martin  
Y Maddox  
Y Boazman

Y Mitchell  
Y Norwood  
Y Willis  
B Woolard

ITEM (S) REMOVED FROM  
CONSENT AGENDA  
02-R-0497  
02-R-0498  
02-R-0499  
02-R-0513  
02-R-0531  
02-R-0561  
02-R-0589

CORRECTED COPY

CONSENT I

		04/01/02 Council Meeting
ITEMS ADOPTED ON CONSENT AGENDA	ITEMS ADOPTED ON CONSENT AGENDA	ITEMS ADVERSE ON CONSENT AGENDA
1. 02-O-0562	34. 02-R-0486	63. 02-R-0514
2. 02-O-0564	35. 02-R-0511	64. 02-R-0515
3. 02-O-0566	36. 02-R-0587	65. 02-R-0516
4. 02-O-0568	37. 02-R-0492	66. 02-R-0517
5. 02-O-0582	38. 02-R-0493	67. 02-R-0536
6. 02-O-0389	39. 02-R-0557	68. 02-R-0537
7. 02-O-0392	40. 02-R-0521	69. 02-R-0538
8. 02-O-0390	41. 02-R-0522	70. 02-R-0539
9. 02-O-0458	42. 02-R-0523	71. 02-R-0540
10. 02-O-0394	43. 02-R-0524	72. 02-R-0541
11. 02-O-0397	44. 02-R-0525	73. 02-R-0542
12. 02-O-0399	45. 02-R-0526	74. 02-R-0543
13. 02-O-0400	46. 02-R-0527	75. 02-R-0544
14. 02-O-0401	47. 02-R-0528	76. 02-R-0545
15. 02-O-0402	48. 02-R-0529	77. 02-R-0546
16. 02-O-0403	49. 02-R-0530	78. 02-R-0547
17. 02-O-0404	50. 02-R-0567	79. 02-R-0548
18. 02-O-0405	51. 02-R-0588	80. 02-R-0549
19. 02-O-0408	52. 02-R-0518	81. 02-R-0550
20. 02-R-0464	53. 02-R-0556	82. 02-R-0551
21. 02-R-0494	54. 02-R-0558	83. 02-R-0552
22. 02-R-0495	55. 02-R-0585	84. 02-R-0553
23. 02-R-0496	56. 02-R-0586	85. 02-R-0554
24. 02-R-0500	57. 02-R-0349	86. 02-R-0555
25. 02-R-0560	58. 02-R-0506	
26. 02-R-0569	59. 02-R-0532	
27. 02-R-0570	60. 02-R-0533	
28. 02-R-0571	61. 02-R-0534	
29. 02-R-0572	62. 02-R-0535	
30. 02-R-0573		
31. 02-R-0574		
32. 02-R-0595		
33. 02-R-0596		